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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,262	12/22/2003	Asko Lauri Antero Vetelainen	KOLS.079PA	4470
<div><div>7590</div><div>10/11/2007</div><div>Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425</div></div>				
			EXAMINER	
			LEIVA, FRANK M	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			10/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,262

Applicant(s)

VETELAINEN, ASKO LAURI
ANTERO

Examiner

Frank M. Leiva

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Jokipii et al. US Publication 2003/0190960 (hereinafter Jokipii).**

3. Regarding at least **claims 1 and 4**, Jokipii discloses a method of initiating a multiplayer game; providing and receiving a calendar item comprising a time for a gaming session and storing that item in the gaming application (acting as the calendar application), Fig 5 items 404, 410 and 414; displaying an alarm on the display device when the gaming session is due, the alarm comprising a query regarding participation, replying to the query and starting the game in response to a positive reply, [0041]. Regarding whether the above mentioned limitation are in a server or a gaming device, Jokipii teaches that a gaming device could include desktop, laptop, tablet, PDA, phone, etc, [0030] and that any portion of any mentioned limitation can be wholly or partially on either the gaming device or the server, [0009].

4. Regarding at least **claim 2**, Jokipii discloses the sending and receiving of messages including the calendar item, [0034] and [0035].

5. Regarding at least **claim 3**, Jokipii discloses the calendar item includes information regarding a server – Jokipii discloses that there could be multiple servers for various

games and including information about the game would provide information about a server, Fig 1, Fig 5, [0047].

6. **Claims 5-8** are directed to a device of the method of claims 1-4, and claims 9-12 are directed to a computer program of the method of claims 1-4. Jokipii teaches the method of claims 1-4. Therefore, Jokipii teaches a device as set forth in claims 5-8 and a computer program as set forth in claims 9-12.

7. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Response to Arguments

8. Applicant's arguments filed 26 July 2007 have been fully considered but they are not persuasive and all rejections are deemed proper for the following reasons.

9. Regarding the argument on page 6 of applicant's remarks, "Jokipii does not teach displaying an alarm on a display of the device when the gaming session is due", (claim 1), where the examiner uses fig 5 to show the setup of a calendar and due dates expressed to alert the participants, it is the examiner's position that since the development of PC calendar systems such as Outlook for Windows or even Yahoo calendar, these systems have always inherently included an alert or alarm messaging system.

10. Regarding the argument on page 6 of applicant's remarks, "The claimed invention is directed to a single electronic gaming device", is not within the scope of the claim.

11. Regarding the argument on page 7 of applicant's remarks, "Jokipii has not been shown to teach or suggest a calendar application, as claimed", please see fig. 5 and ¶[0029 and 0038], in which Jokipii discloses tournament histories and schedules, which inherently must be enter in a calendar.

12. Regarding the argument directed to claims 2,3,6,7,10 and 12 dependencies, do not address the claims on the merits and because of the reasons above are deemed proper rejections.

13. Regarding the argument on page 7 of applicant's remarks, "The mere sending of a message as taught by paragraph [0034] has not been shown to correspond to the sending of a calendar item", the examiner points to the sending of an invitation ¶[0041], where it would be inherent to inform the time and date of the event (calendar item), and the location of the event (server information), and the protocols and access passwords for the game.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

10/09/2007

A handwritten signature in black ink, appearing to read 'Robert E. Pezzuto', with a long, sweeping horizontal line extending to the right.

Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714